

## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	:	Before the Examiner:
Chan et al.	:	Nalven, Andrew L.
	:	
Serial No.: 10/726,766	:	Group Art Unit: 2134
	:	
Filing Date: December 3, 2003	:	
	:	IBM Corporation
Title: METHOD AND SYSTEM	:	Dept. T81/Bldg. 503
FOR GRANTING USER	:	P.O. Box 12195
PRIVILEGES IN ELECTRONIC	:	3039 Cornwallis Road
COMMERCE SECURITY	:	Research Triangle Park, NC 27709
DOMAINS	:	

**APPEAL BRIEF**

Mail Stop Appeal Brief-Patents  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

I. REAL PARTY IN INTEREST

The real party in interest is International Business Machines Corporation, which is the assignee of the entire right, title and interest in the above-identified patent application.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellants, Appellants' legal representative or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 17-24 are pending in the Application. Claims 1-16 were cancelled. Claims 17-24 stand rejected. Claims 17-24 are appealed.

#### IV. STATUS OF AMENDMENTS

Appellants have submitted an amendment (January 25, 2008) canceling claims 1-16 following receipt of the final office action (October 26, 2007).

#### V. SUMMARY OF CLAIMED SUBJECT MATTER

##### Independent Claim 17:

In one embodiment of the present invention, a method for providing user access to a portion of a web site implemented by an electronic commerce system, the web site being accessible by one or more users and comprising a set of on-line stores and a set of organizations, each of the on-line stores being associated with one of the set of organizations. Specification, page 9, lines 3-5; Specification, page 9, lines 7-9; Specification, page 9, lines 14-20; Figure 1, elements 10, 12, 14, 16, 18, 20. The method comprises the step of associating each user with a unique identity in the system. Specification, page 9, line 26 – page 10, line 2; Specification, page 11, lines 1-3. The method further comprises associating a user identity with one of a set of access roles for a security domain, the access role defining access privileges for the user corresponding to the user identity, the security domain comprising a subset of the set of organizations and the on-line stores associated with the organizations in the subset. Specification, page 10, lines 3-6; Specification, page 10, lines 7-10; Specification, page 11, lines 19-24; Specification, page 12, lines 8-13. Additionally, the method comprises granting or denying access to a user attempting to access a portion of the web site by determining the user identity for the user and determining the access role associated with the user identity for the security domain corresponding to the portion of the web site subject to the access attempt. Specification, page 10, lines 10-18.

#### VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 17-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Win et al. (U.S. Patent No. 6,453,353) (hereinafter "Win") in view of Gillett et al. (U.S. Patent No. 6,760,711) (hereinafter "Gillett").

B. Claim 24 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Win in view of Gillett and in further view of Aull et al. (U.S. Patent No. 7,028,180) (hereinafter "Aull").

## VII. ARGUMENT

A. Claims 17-23 are not properly rejected under 35 U.S.C. §103(a) as being unpatentable over Win in view of Gillett.

1. Win and Gillett, taken singly or in combination, do not teach at least the following claim limitations.

a. Claim 17 is patentable over Win in view of Gillett.

The Examiner cites column 3, lines 28-60; column 4, lines 1-10 and column 8, lines 20-40 of Gillett as teaching "the web site being accessible by one or more users and comprising a set of on-line stores and a set of organizations, each of the said on-line stores being associated with one of the set of organizations" as recited in claim 17. Office Action (10/26/2007), pages 2-3. Appellants respectfully traverse.

Gillett instead teaches that the merchants' computers 24(1)-24(N), with the assistance of the ISP computer 28, create online stores that are merchant-owned, but physically hosted by the ISP computer 28. Column 3, lines 28-31. Gillett further teaches that the ISP computer 28 is loaded with commerce server software 30 that allows the ISP to host online stores on behalf of the merchants. Column 3, lines 31-33. Additionally, Gillett teaches that based on the merchant provided information, the ISP-based commerce server 30 creates the merchant's storefront 32 that is kept resident at the ISP computer. Column 3, lines 50-53.

Hence, Gillett teaches using a commerce server 30 to create separate merchant storefronts (as illustrated as "M1 Storefront" and "M2 Storefront" in Figure 1 of Gillett) for each merchant.

There is no language in the cited passages that teaches that each electronic commerce system comprises a web site comprising a set of on-line stores and a set of organizations. Instead, Gillett teaches separate merchant storefronts for each merchant. There is no language in Gillette that teaches that commerce server 30 creates a web site that comprises a set of on-line stores and a set of organizations. Neither is there any language in the cited passages that teaches that each of the on-line stores being associated with one of the set of organizations. Therefore, the Examiner's cited passages do not teach the above-cited claim limitation as asserted by the Examiner.

Furthermore, the Examiner cites column 3, lines 28-60; column 4, lines 1-10 and column 8, lines 20-40 of Gillett as teaching "the security domain comprising a subset of the set of organizations and the on-line stores associated with the organizations in the subset" as recited in claim 17. Office Action (6/20/2007), page 4; Office Action (10/26/2007), page 8. Appellants respectfully traverse.

Gillett instead teaches that Figure 1 shows an online commerce system 20 in which customers shop for goods and/or services offered by merchants over the Internet 22. Column 3, lines 19-21. Gillett further teaches that the merchants' computers 24(1)-24(N), with the assistance of the ISP computer 28, create online stores that are merchant-owned, but physically hosted by the ISP computer 28. Column 3, lines 28-31. Additionally, Gillett teaches that based on the merchant provided information, the ISP-based commerce server 30 creates the merchant's storefront 32 that is kept resident at the ISP computer. Column 3, lines 50-53. Furthermore, Gillett teaches that the ISP also has a storage or database 34 that stores commerce data on behalf of the merchants. Column 3, lines 55-56. Furthermore, Gillett teaches that periodically, or in response to a merchant-initiated request, the merchant computer 24(1) checks the ISP database 34 to see if any purchase requests for the merchant's products have been received. Column 8, lines 20-23.

Hence, Gillett teaches creating separate merchant storefronts (as illustrated as "M1 Storefront" and "M2 Storefront" in Figure 1 of Gillett) for each merchant. Gillett further teaches a database storing commerce data on behalf of the merchants. Additionally, Gillett teaches that a merchant computer checks the database to see if any purchase requests for the merchant's products have been received.

There is no language in the cited passages that teaches a security domain comprising a subset of the set of organizations. In the context of one embodiment of the present invention, a security domain is a set of web pages for which users have a defined set of privileges. See Appellants' Specification, page 12, lines 12-13. Neither is there any language in the cited passages that teaches a security domain comprising a subset of the set of organizations and the on-line stores associated with the organizations in the subset. Therefore, the Examiner's cited passages do not teach the above-cited claim limitation as asserted by the Examiner.

In response to Appellants' above argument, the Examiner asserts that Gillett teaches that each merchant has special security control over their storefronts. Office Action (10/26/2007), page 3. Gillett does teach an asymmetric key generator 40 that is used to generate an asymmetric key pair unique to the merchant and associated with the merchant's storefront 32. Column 3, lines 64-67. Gillett additionally teaches that key pair includes a private key and a public key, which will be used to protect and access merchant-owned commerce data stored at the ISP storage 34. Column 4, lines 1-3. While Gillett teaches generating a key pair to protect and access merchant-owned commerce data, this is not related to a security domain comprising a subset of the set of organizations and the on-line stores associated with the organizations in the subset. In the context of one embodiment of the present invention, a security domain is a set of web pages for which users have a defined set of privileges. See Appellants' Specification, page 12, lines 12-13. Therefore, the Examiner's cited passages do not teach the above-cited claim limitation as asserted by the Examiner.

The Examiner further cites column 3, lines 1-6; column 6, line 10-16; and column 8, lines 10-16, 36-46 of Win as teaching "granting or denying access to a user attempting to access a portion of the web site by determining the user identity for the user and determining the access role associated with the user identity for the security domain corresponding to the portion of the web site subject to the access attempt" as recited in claim 17. Office Action (6/20/2007), page 4; Office Action (10/26/2007), page 8. Appellants respectfully traverse.

Win instead teaches that a related feature involves, based on the association, automatically granting access to the resource to all users who have the role when the association is stored; and based on the association, automatically denying access to the resource to all users who do not have the role when the association is un-assigned. Column 3, lines 1-6. Win further teaches that if the login attempt is successful, the system 2 presents the user with a personalized menu that assists the user in identifying and selecting a resource. Column 6, lines 10-12. Additionally, Win teaches that Figure 3C is a state diagram showing processes carried out when the URL is a protected resource and the user is authenticated. Column 8, lines 36-38.

Hence, Win teaches granting access to the resource to all users who have the role when the association is stored; and denying access to the resource to all users who do not have the role when the association is un-assigned.

There is no language in the cited passages that teaches granting or denying access to a user attempting to access a portion of the web site by determining the user identity for the user and determining the access role associated with the user identity for the security domain corresponding to the portion of the web site subject to the access attempt. Therefore, the Examiner's cited passages do not teach the above-cited claim limitation as asserted by the Examiner.

In response to Appellants' above argument, the Examiner focuses on column 6, lines 10-16 of Win as teaching the aspect of attempting to access a portion of the web site by determining the user identity for the user and determining the access role

associated with the user identity for the security domain corresponding to the portion of the web site subject to the access attempt. Office Action (10/26/2007), pages 3-4. Appellants respectfully traverse.

Win instead teaches that users may log in either with a digital certificate or by opening a login page URL with a web browser and entering a name and password. Column 6, lines 1-3. Win further teaches that in the past, users have had to log in individually to each web application that they are authorized to use. Column 6, lines 3-5. Win additionally teaches that in the preferred embodiment, users always access the same login page regardless of the number of resources to which they need access. Column 6, lines 5-7.

Hence, Win teaches a user logging in either with a digital certificate or by opening a login page URL with a web browser and entering a name and password.

There is no language in column 6, lines 10-16 of Win that teaches granting or denying access to a user attempting to access a portion of the web site by determining the user identity for the user and determining the access role associated with the user identity for the security domain corresponding to the portion of the web site subject to the access attempt. Therefore, the Examiner's cited passage does not teach the above-cited claim limitation as asserted by the Examiner.

Further, the Examiner must provide a basis in fact and/or technical reasoning to support the assertion that the teaching of having a user use a digital certificate or a login page to login necessarily teaches granting or denying access to a user attempting to access a portion of the web site by determining the user identity for the user and determining the access role associated with the user identity for the security domain corresponding to the portion of the web site subject to the access attempt. *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). That is, the Examiner must provide extrinsic evidence that must make clear that the teaching of having a user use a digital certificate or a login page to login necessarily teaches granting or denying access to a user attempting to access a portion of the web site by

determining the user identity for the user and determining the access role associated with the user identity for the security domain corresponding to the portion of the web site subject to the access attempt, and that it would be so recognized by persons of ordinary skill. *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). Since the Examiner has not provided any such objective evidence, the Examiner has not presented a *prima facie* case of obviousness for rejecting claim 17. M.P.E.P. §§2112.

- b. Claims 18-23 are patentable over Win in view of Gillett for at least the reasons that claim 17 is patentable over Win in view of Gillett.

Claims 18-23 each recite combinations of features of independent claim 17, and hence claims 18-23 are patentable over Win in view of Gillett for at least the above-stated reasons that claim 17 is patentable over Win in view of Gillett.

- c. Claims 20-22 are patentable over Win in view of Gillett.

The Examiner cites Figure 1 of Gillett as teaching "to define the set of organizations as a tree structure" as recited in claims 20-22. Office Action (6/20/2007), page 5; Office Action (10/26/2007), page 9. Appellants respectfully traverse.

There is no depiction in Figure 1 or description of Figure 1 of Gillett that teaches defining a set of organizations as a tree structure. Figure 1 of Gillett instead shows a merchant computer 24 being coupled to an ISP 26 via a network 28. This is not the same as defining a set of organizations as a tree structure. Therefore, the Examiner's cited Figure does not teach the above-cited claim limitation as asserted by the Examiner.

In response to Appellants' above argument, the Examiner additionally cites column 5, lines 20-35 and 55-56 of Win as teaching the above-cited claim limitation. Office Action (10/26/2007), pages 4 and 9. Appellants respectfully traverse.



Win instead teaches that the system 2 enables administrators to implement access rules by defining roles that users play when working for an organization or doing business with an enterprise. Column 5, lines 21-23. Win further teaches that a role may reflect a relationship of a user to the organization (employee, customer, distributor, supplier), their department within an organization (sales, marketing, engineering) or any other affiliation or function (member of quality task force, hotline staff member) that defines their information needs and thus their access rights or privileges. Column 5, lines 23-29. Win additionally teaches that roles and resources are owned by functional groups within the organization. Column 5, lines 55-56.

Hence, Win teaches defining roles that users play when working for an organization or doing business with an enterprise, such as for example, an employee, a customer, a supplier and so forth.

There is no language in the cited passages that teaches defining the set of organizations as a tree structure. The Examiner suggests that storefronts are leaves to a tree (see Office Action (10/26/2007), page 4) but does not provide any evidence to support such a proposition. There is no language in Win that makes any discussion of a tree structure. The Examiner must provide a basis in fact and/or technical reasoning to support the assertion that the teaching of defining roles that users play when working for an organization (e.g., employee, customer) necessarily teaches defining the set of organizations as a tree structure. *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). That is, the Examiner must provide extrinsic evidence that must make clear that the teaching of defining roles that users play when working for an organization (e.g., employee, customer) necessarily teaches defining the set of organizations as a tree structure, and that it would be so recognized by persons of ordinary skill. *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). Since the Examiner has not provided any such objective evidence, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 20-22. M.P.E.P. §§2112.

The Examiner further cites column 5, lines 33-39 and 54-56 of Win as teaching "defining the security domain to include the selected organization and those organizations in the set that are descendants of the selected organization" as recited in claims 20-22. Office Action (6/20/2007), page 5; Office Action (10/26/2007), page 9. Appellants respectfully traverse.

Win instead teaches that roles are defined by information identifying a name of a role and by a functional group in which the role resides. Column 5, lines 34-35. Win further teaches that a functional group is often a department in which similar functions exist. Column 5, lines 35-37. Win additionally teaches that roles and resources are owned by functional groups within the organization. Column 5, lines 55-56.

There is no language in the cited passages that teaches defining the security domain to include the selected organization and those organizations in the set that are descendants of the selected organization. Therefore, the Examiner's cited passages do not teach the above-cited claim limitation as asserted by the Examiner.

d. Claim 23 is patentable over Win in view of Gillett.

The Examiner cites column 13, lines 50-52; column 15, lines 44-46 of Win and column 16, lines 46-53 as teaching "maintaining and providing look up functionality for a table comprising rows comprising data representing user identity, organization, access role associations" as recited in claim 23. Office Action (6/20/2007), pages 5-6; Office Action (10/26/2007), pages 9-10. Appellants respectfully traverse.

Win instead teaches that a preferred arrangement of database tables and forms will become apparent. Column 13, lines 50-52. Win further teaches that each user is defined by personal information, login and password information, and account information. Column 15, lines 42-44. Additionally, Win teaches that preferably, the personal information comprises a first name value, a last name value, an email address value, and a user type value. Column 15, lines 45-47. Furthermore, Win

teaches that, for example, a user is defined in the registry repository as having a record type of user, a record name of Harvey, and a role of hotline staff. Column 16, lines 47-49. Win further teaches that a field in the administration role record specifies whether that user is assigned the "configuration privilege." Column 16, lines 49-51. Additionally Win teaches that this privilege allows an administrator to configure and maintain servers in the system. Column 16, lines 51-53.

Hence, Win teaches that each user is defined by personal information, login and password information, and account information. Further, Win teaches various roles, such as being an administrator, a user may be assigned.

However, there is no language in the cited passages that teaches maintaining and providing look up functionality for a table comprising rows comprising data representing user identity, organization, access role associations. Therefore, the Examiner's cited passages do not teach the above-cited claim limitation as asserted by the Examiner.

In response to Appellants' above argument, the Examiner simply asserts that the registry repository comprises data representing user identity, organization and access role associations. Office Action (10/26/2007), page 4. However, as illustrated in Table 1 of Win, there is no depiction of data representing organizations.

Further, the Examiner cites column 13, lines 7-22 of Win as teaching the above-cited claim limitation. Office Action (10/26/2007), page 5. Appellants respectfully traverse. Win instead teaches that using administration application 114, an administrator may find, list, create, delete and modify user, resource and role records. Column 13, lines 8-10. Win further teaches that each user record stores profile information, which includes the user's first and last names, email address, login name, password, locale, whether the account is active or inactive, and when the password or account will expire. Column 13, lines 12-16.

While column 13, lines 7-22 of win teaches storing profile information that includes names, an e-mail address, a login name and so forth, there is no language in

the cited passage directed to maintaining and providing look up functionality for a table comprising rows comprising data representing user identity, organization, access role associations. Therefore, the Examiner's cited passage does not teach the above-cited claim limitation as asserted by the Examiner.

2. Examiner's reasoning for modifying Win with Gillett to include the missing claim limitations of claim 17 is insufficient to establish a *prima facie* case of obviousness.

Most if not all inventions arise from a combination of old elements. *See In re Rouffet*, 47 U.S.P.Q.2d 1453, 1457 (Fed. Cir. 1998). Obviousness is determined from the vantage point of a hypothetical person having ordinary skill in the art to which the patent pertains. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1457 (Fed. Cir. 1998). Therefore, an Examiner may often find every element of a claimed invention in the prior art. *Id.* However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. *See Id.* In order to establish a *prima facie* case of obviousness, the Examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998). The Examiner must provide articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (cited approvingly in *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007)).

The Examiner admits that Win does not teach "the security domain comprising a subset of the set of organizations and the on-line stores associated with the organizations in the subset" as recited in claim 17. Office Action (6/20/2007), page 4; Office Action (10/26/2007), page 8. The Examiner asserts that Gillett teaches the above-cited claim limitations. *Id.* The Examiner's reasoning for modifying Win with Gillett to include the above-cited claim limitations is "to set up online stores while having a centralized ISP provide the security and maintenance of the websites

thereby diminishing the threat of misuse of information (Gillett, column 1 lines 35-62 and column 1 lines 1-15)." *Id.* The Examiner's reasoning is insufficient to establish a *prima facie* case of obviousness in rejecting claims 17-23.

As stated above, the Examiner cites column 1, lines 1-15 and 35-62 of Gillett as support for the Examiner's reasoning for modifying Win with Gillett to include the missing claim limitations of claim 17. Gillett teaches that there is a need for an architecture that provides security at the ISP level to thereby reduce the exposure of ISPs to liability. Column 1, lines 59-62. There is no language in Gillett (and in particular column 1, lines 1-15 and 35-62) that makes any suggestion that by having a security domain comprise a subset of the set of organizations and the on-line stores associated with the organizations in the subset (missing claim limitations) that the threat of misuse of information is diminished (Examiner's reasoning). The Examiner has simply cited to arbitrary passages in Gillett that mentions the problems in the prior art and that there is a need in the art for an architecture that provides security at the ISP level to thereby reduce the exposure of ISPs to liability. The Examiner has to provide some rational connection between the cited passages that is the source of the Examiner's reasoning and the missing claim limitations. The Examiner's source (column 1, lines 1-15 and 35-62 of Gillett) for the Examiner's reasoning for modifying Win with Gillett to include the above-cited claim limitations does not provide reasons as to why one skilled in the art would modify Win to include the missing claim limitations of claim 17. Accordingly, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 17-23. *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007).

In response to Appellants' above argument, the Examiner points out that Gillett suggest that most merchants do not have the wherewithal to manage their websites and thus it is an advantage to offload those processes to an ISP. Office Action (10/26/2007), page 5. However, the teaching of using an Internet service provider (ISP) does not provide any reasons for having a security domain comprise a subset of the set of organizations and the on-line stores associated with the

organizations in the subset (missing claim limitations). Accordingly, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 17-23. *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007).

Further, Win addresses the problems of permitting rapid and convenient addition of information describing users and resources and propagating the effects of changes in the data model throughout the system. Column 2, lines 34-38. The Examiner has not provided any reasons as to why one skilled in the art would modify Win (which teaches permitting rapid and convenient addition of information describing users and resources and propagating the effects of changes in the data model throughout the system) to have a security domain comprise a subset of the set of organizations and the on-line stores associated with the organizations in the subset (missing claim limitations). The Examiner's rationale ("to set up online stores while having a centralized ISP provide the security and maintenance of the websites thereby diminishing the threat of misuse of information") does not provide such reasoning.

Why would the reason to modify Win (whose purpose is to permit rapid and convenient addition of information describing users and resources and propagate the effects of changes in the data model throughout the system) to have a security domain comprise a subset of the set of organizations and the on-line stores associated with the organizations in the subset (missing claim limitations) be to diminish the threat of misuse of information? Win is not concerned with diminishing the threat of misuse of information. The Examiner cannot completely ignore the teachings of Win in concluding it would have been obvious to modify Win to include the missing claim limitations of claim 17. Further, what is the rational connection between diminishing the threat of misuse of information (Examiner's motivation) and having a security domain comprise a subset of the set of organizations and the on-line stores associated with the organizations in the subset (missing claim limitations)?

Hence, the Examiner's rationale does not provide reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of

the claimed invention, would modify Win to include the missing claim limitations of claim 17. Accordingly, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 17-23. *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007).

3. Examiner fails to provide a rational underpinning for modifying Win with Gillett to include the missing claim limitations of claims 20-22.

As stated above, most if not all inventions arise from a combination of old elements. *See In re Rouffet*, 47 U.S.P.Q.2d 1453, 1457 (Fed. Cir. 1998). Obviousness is determined from the vantage point of a hypothetical person having ordinary skill in the art to which the patent pertains. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1457 (Fed. Cir. 1998). Therefore, an Examiner may often find every element of a claimed invention in the prior art. *Id.* However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. *See Id.* In order to establish a *prima facie* case of obviousness, the Examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998). The Examiner must provide articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (cited approvingly in *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007)).

The Examiner admits that Win does not teach "to define the set of organizations as a tree structure" as recited in claims 20-22. Office Action (6/20/2007), page 5; Office Action (10/26/2007), page 9. The Examiner asserts that Gillett teaches the above-cited missing limitation of claims 20-22. *Id.* However, the Examiner has not provided any rational underpinning for modifying Win with Gillett to include the above-cited missing claim limitation. Hence, the Examiner has not

provided a *prima facie* case of obviousness in rejecting claims 20-22. *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007).

B. Claim 24 is not properly rejected under 35 U.S.C. §103(a) as being unpatentable over Win in view of Gillett and in further view of Aull.

1. Win, Gillett and Aull, taken singly or in combination, do not teach at least the following claim limitations.

The Examiner cites column 9, lines 6-21 of Aull as teaching "providing user identities with associated access roles at user registration to the web site" as recited in claim 24. Office Action (6/20/2007), page 6; Office Action (10/26/2007), page 10. Appellants respectfully traverse.

Aull instead teaches that the process for creating a role certificate begins in operation 200 where the user 132 via his local client platform 128 accesses the registration web server 124 and fills out an electronic form requesting the role certificate. Column 9, lines 6-10. Hence, Aull teaches creating a roll certificate.

There is no language in the cited passage that teaches providing user identities with associated access roles at user registration. Neither is there any language in the cited passage that teaches providing user identities with associated access roles at user registration to the web site. Therefore, the Examiner's cited passage does not teach the above-cited claim limitation as asserted by the Examiner.

In response to Appellants' above argument, the Examiner asserts that Aull teaches a roll certification which provides identity and allows the granting of access. Office Action (10/26/2007), pages 5-6. Appellants respectfully traverse. Aull teaches that what is needed is a method and computer program in which digital "role" certificates may be used for both encryption and signature purposes for a group. Column 3, lines 45-47. Further, Aull teaches that the possession of such a role certificate, by an authorized member of a group issuing the role certificate, should enable that person to decrypt messages sent to others within the group that were encrypted using the digital certificate. Column 3, lines 47-51. Hence, a role



certificate, as taught in Aull, refers to a digital certificate that is used for encryption and signature purposes. This is unrelated to providing user identities. Further, this is unrelated to providing user identifies with associated access roles at user registration. Further, this is unrelated to providing user identities with associated access roles at user registration to the web site. Therefore, the Examiner's cited passage does not teach the above-cited claim limitation as asserted by the Examiner.

2. Examiner's reasoning for modifying Win with Aull to include the missing claim limitation of claim 24 is insufficient to establish a *prima facie* case of obviousness.

As stated above, most if not all inventions arise from a combination of old elements. *See In re Rouffet*, 47 U.S.P.Q.2d 1453, 1457 (Fed. Cir. 1998). Obviousness is determined from the vantage point of a hypothetical person having ordinary skill in the art to which the patent pertains. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1457 (Fed. Cir. 1998). Therefore, an Examiner may often find every element of a claimed invention in the prior art. *Id.* However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. *See Id.* In order to establish a *prima facie* case of obviousness, the Examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998). The Examiner must provide articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) (cited approvingly in *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007)).

The Examiner admits that Win does not teach "providing user identities with associated access roles at user registration to the web site" as recited in claim 24. Office Action (6/20/2007), page 6; Office Action (10/26/2007), page 10. The Examiner asserts that Aull teaches the above-cited claim limitation. *Id.* The

Examiner's reasoning for modifying Win with Aull to include the above-cited claim limitation is "because it offers the advantage of providing a method by which all parties involved may give their approval to the granting of a role to a user (Aull, column 9 lines 10-21)." *Id.* The Examiner's reasoning is insufficient to establish a *prima facie* case of obviousness in rejecting claim 24.

As stated above, the Examiner cites column 9, lines 10-21 of Aull as support for the Examiner's reasoning for modifying Win with Aull to include the missing claim limitation of claim 24. Aull teaches that in operation 205 the user digitally signs the electronic role form and transmits it to the registration web server 124. Column 9, lines 11-13. Aull further teaches that in operation 210, the registration web server 124 queries directory 108 for personal role approvals. Column 9, lines 13-14. Hence, Aull teaches that the registration web server queries a directory for personal role approvals upon receipt of the electronic role form digitally signed by the user.

There is no language in Aull (and in particular column 9, lines 10-21) that makes any suggestion that by providing user identities with associated access roles at user registration to the web site (missing claim limitation) that the registration web server queries a directory for personal role approvals upon receipt of the electronic role form digitally signed by the user. Neither is there any language in Aull (and in particular column 9, lines 10-21) that makes any suggestion that by providing user identities with associated access roles at user registration to the web site (missing claim limitation) that all parties involved may give their approval to the granting of a role to a user (Examiner's motivation). The Examiner has simply cited to arbitrary passages in Aull that discusses the process in creating a role certificate and then concludes that the Examiner has provided appropriate reasoning for modifying Win to incorporate the above-cited missing claim limitation. The Examiner has to provide some rational connection between the cited passage that is the source of the Examiner's reasoning and the missing claim limitation. The Examiner's source (column 9, lines 10-21 of Aull) for modifying Win with Aull to include the above-

cited claim limitation does not provide reasons as to why one skilled in the art would modify Win to include the missing claim limitation of claim 24. Accordingly, the Examiner has not presented a *prima facie* case of obviousness for rejecting claim 24. *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007).

In response to Appellants' above argument, the Examiner asserts that "Aull provides further motivation for using the registration and roll certificate method in that the certificate provides simple and fast methods of indicating proper approval, authority or acceptance (Aull, column 2, lines 13-29)." Office Action (10/26/2007), page 6. Column 2, lines 13-29 is directed to digitally signing a document. See, for example, column 2, lines 26-28. However, the above-cited claim limitation is not directed to digitally signing a document. Instead, the above-cited claim limitation recites "providing user identities with associated access roles at user registration to the web site." Hence, the Examiner has not provided reasons as to why one skilled in the art would modify Win to include the missing claim limitation of claim 24. Accordingly, the Examiner has not presented a *prima facie* case of obviousness for rejecting claim 24. *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007).

Furthermore, as stated above, Win addresses the problems of permitting rapid and convenient addition of information describing users and resources and propagating the effects of changes in the data model throughout the system. Column 2, lines 34-38. The Examiner has not provided any reasons as to why one skilled in the art would modify Win (which teaches permitting rapid and convenient addition of information describing users and resources and propagating the effects of changes in the data model throughout the system) to provide user identities with associated access roles at user registration to the web site (missing claim limitation). The Examiner's rationale ("because it offers the advantage of providing a method by which all parties involved may give their approval to the granting of a role to a user") does not provide such reasoning.

Why would the reason to modify Win (whose purpose is to permit rapid and convenient addition of information describing users and resources and propagate the effects of changes in the data model throughout the system) to provide user identities with associated access roles at user registration to the web site (missing claim limitation) be to provide a method by which all parties involved may give their approval to the granting of a role to a user? Win is not concerned with providing a method by which all parties involved may give their approval to the granting of a role to a user. The Examiner cannot completely ignore the teachings of Win in concluding it would have been obvious to modify Win to include the missing claim limitation of claim 24. Further, what is the rational connection between providing a method by which all parties involved may give their approval to the granting of a role to a user (Examiner's motivation) and providing user identities with associated access roles at user registration to the web site (missing claim limitation)? Hence, the Examiner's rationale does not provide reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would modify Win to include the missing claim limitation of claim 24. Accordingly, the Examiner has not presented a *prima facie* case of obviousness for rejecting claim 24. *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007).

VIII. CONCLUSION

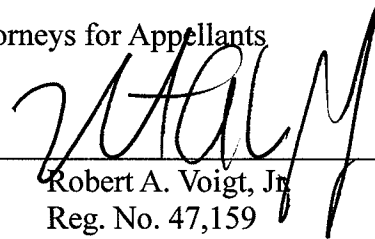
For the reasons noted above, the rejections of claims 17-24 are in error. Appellants respectfully request reversal of the rejections and allowance of claims 17-24.

Respectfully submitted,

WINSTEAD P.C.

Attorneys for Appellants

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'R. Voigt, Jr.', is written over a horizontal line. The signature is stylized and cursive.

Robert A. Voigt, Jr.  
Reg. No. 47,159

P.O. Box 50784  
Dallas, Texas 75201  
(512) 370-2832

**CLAIMS APPENDIX**

17. A method for providing user access to a portion of a web site implemented by an electronic commerce system, the web site being accessible by one or more users and comprising a set of on-line stores and a set of organizations, each of the said on-line stores being associated with one of the set of organizations, the method comprising the steps of:

associating each user with a unique identity in the system;

associating a user identity with one of a set of access roles for a security domain, the access role defining access privileges for the user corresponding to the user identity, the security domain comprising a subset of the set of organizations and the on-line stores associated with the organizations in the subset; and

granting or denying access to a user attempting to access a portion of the web site by determining the user identity for the user and determining the access role associated with the user identity for the security domain corresponding to the portion of the web site subject to the access attempt.

18. The method of claim 17 in which the step of carrying out the determination of the access role associated with a user identity for a security domain occurs at user logon time.

19. The method of claim 17 in which the set of access roles comprises registered customer and administrator roles.

20. The method of claim 17 in which the set of organizations is a tree structure, the step of associating a user identity with one of a set of access roles further comprises the step of associating the user identity with the access role for a selected one of the set of organizations,

the security domain includes the selected organization and those organizations in the set that are descendants of the selected organization, and

the step of granting or denying access by determining the access role associated with the user identity for the security domain comprises determining the access role for the user identity by traversing the tree structure of organizations commencing at the selected organization and including the ancestor organizations to the selected organization.

21. The method of claim 18 in which  
the set of organizations is a tree structure,  
the step of associating a user identity with one of a set of access roles further comprises the step of associating the user identity with the access role for a selected one of the set of organizations, and  
the security domain includes the selected organization and those organizations in the set that are descendants of the selected organization.
22. The method of claim 19 in which  
the set of organizations is a tree structure,  
the step of associating a user identity with one of a set of access roles further comprises the step of associating the user identity with the access role for a selected one of the set of organizations, and  
the security domain includes the selected organization and those organizations in the set that are descendants of the selected organization.
23. The method of claim 20 in which the step of associating a user identity with one of a set of accessible roles comprises entering data in a table comprising rows comprising data representing user identity, organization, access role associations.
24. The method of claim 17 in which the step of providing user identities with associated access roles occurs at the time of user registration to the web site.

**EVIDENCE APPENDIX**

No evidence was submitted pursuant to §§1.130, 1.131, or 1.132 of 37 C.F.R. or of any other evidence entered by the Examiner and relied upon by Appellants in the Appeal.



**RELATED PROCEEDINGS APPENDIX**

There are no related proceedings to the current proceeding.

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